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Attorneys for Defendants
CITY OF ANTIOCH, ANTIOCH POLICE DEPARTMENT,
JAMES HYDE CHIEF OF ANTIOCH POLICE
DEPARTMENT, JOSHUA VINCELET, JAMES
WISECARVER, JR., STEVEN AIELLO, STEVEN
BERGERHOUSE, RONALD KRENZ, DANIELLE
JOANNIDES, STEPHANIE A. CHALK, AND CAPTAIN
LEONARD ORMAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SEAN O'TOOLE, KELLEY O'TOOLE,
STEVEN DANIEL LEE, JENNIFER
LYNN CURTIS, and JACK FOSTER,

Plaintiffs,

vs.

CITY OF ANTIOCH, ANTIOCH POLICE
DEPARTMENT, JAMES HYDE CHIEF
OF ANTIOCH POLICE DEPARTMENT,
NORMAN WIELSCH, MICHAEL
McGARY, LOUIS LOMBARDI, JOSHUA
VINCELET, JAMES WISECARVER, JR.,
STEVEN AIELLO, STEVEN
BERGERHOUSE, CHRISTOPHER
BUTLER, RONALD KRENZ, DANIELLE
JOANNIDES, STEPHANIE A. CHALK,
CAPTAIN LEONARD ORMAN, AND
DOES 1-20, inclusive,

Defendants.

Case No. CV11-01502 PJH

**DEFENDANT CITY OF ANTIOCH'S
RESPONSES TO PLAINTIFF'S FIRST
REQUEST FOR PRODUCTION OF
DOCUMENTS**

PROPOUNDING PARTY:

PLAINTIFFS SEAN O'TOOLE, KELLEY
BARBARA O'TOOLE, STEVEN DANIEL LEE,
JENNIFER LYNN CURTIS, and JACK FOSTER

RESPONDING PARTY:

CITY OF ANTIOCH

DEFENDANT CITY OF ANTIOCH'S
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1 SET NUMBER:

ONE

2 PRELIMINARY STATEMENT

3 These responses are made solely for the purpose of this action. Each response is subject
4 to all objections as to competence, relevance, materiality, propriety, and admissibility and any and
5 all other objections and grounds that would require the exclusion of statements contained herein if
6 any requests were asked for, or if any statement contained herein were made by a witness present
7 and testifying in court, all of which objections and grounds are reserved and may be interposed at
8 the time of trial.

9 This responding party is responding to all requests to the extent that information has
10 become known to it. However, this responding party's discovery, investigation, and preparation
11 for trial of this matter has not been completed as of the date of these responses and, therefore, this
12 responding party does not purport to state anything more than information currently known and
13 discovered by it.

14 Due to the passage of time, some records may not be located and/or accessible. Defendant
15 reserves the right to continue their investigation for any relevant records and reserve the right to
16 supplement these responses accordingly. This responding party reserves the right to continue
17 discovery and investigation in this matter regarding facts, witnesses, and supporting data and to
18 present at trial information discovered after the date of these responses to these requests.

19 This preliminary statement is incorporated into each and every response set forth below.

20 REQUEST FOR PRODUCTION NO. 1: - PR 6/18/07

21 Any and all documents pertaining and related to the investigation or arrest or detention,
22 search or seizure of Jennifer Lynn Curtis, DOB 7-26-80, and Kevin Darel Ackerman, DOB, 9-29-
23 71, and their home at 701 Thompsons Dr., Brentwood, Ca., 94513, which began on or around or
24 between 6/28/07 through 12/31/09, including Antioch Police Department investigation or arrest
25 reports, recordings, e-mails, affidavits for search warrants, search warrants, applications for
26 destruction orders, destruction orders, returns to search warrants, lists of property and/or currency
27 seized, internal and external evidence chain of custody documents, asset forfeiture documents,
28 CAD logs, photographs, video, and audio recordings, and recorded radio communications, and
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1 internal and external evidence chain of custody documents of property seized, by Antioch PD,
2 and or CCCNET (Contra Costa County Narcotics Enforcement Team), and the California
3 Highway Patrol, as well as including reports constituting, referring and related to Norm Wielsch,
4 Louis Lombardi, Chris Butler, Michael McGary, Joshua Vincelet, Steven Bergerhouse, Ronald
5 Krenz, Danielle Joannides, Stephanie Chalk, Leonard Orman, Michael Mortimer, Steven Aiello,
6 James Wisecarver Jr., or any other state, local, or Federal Investigation agent or officer involved
7 in the Thompsons Dr. raid pursuant to Martinez, Ca., Sup. Ct. Search Warrant case #M07-269,
8 including reports drafted by Chris Butler as an expert in steroids, or any and all reports drafted by
9 any member of the Antioch Police Department, or CHP.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

11 Defendant objects to this request insofar as the request is not calculated to lead to the
12 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
13 entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope,
14 seeks records not in the possession of these Antioch Defendants, seeks documents which may be
15 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
16 under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant
17 responds as follows: Defendant will produce relevant, non-privileged documents that have been
18 located in its possession, that may be responsive to this request.

19 **REQUEST FOR PRODUCTION NO. 2:**

20 Any and all reports, recordings, e-mails, photographs, video and audio recordings, or
21 memos drafted pertaining to the above-mentioned 701 Thompsons Dr., Brentwood, CA raid by
22 any above-entitled Law enforcement agency including Antioch Police Department, APD Internal
23 Affairs Bureau investigation reports, investigation reports by the Contra Costa County District
24 Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special agent of
25 the Federal Bureau of Investigation regarding any independent investigation of the raid which
26 occurred beginning on or about or between 6/28/07 through 12/31/09.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

28 Defendant objects to this request insofar as the request is not calculated to lead to the
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discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant responds as follows: Defendant will produce relevant, non-privileged documents that have been located in its possession, that may be responsive to this request.

REQUEST FOR PRODUCTION NO. 3:

Any and all documents pertaining and related to the investigation or arrest or any detentions, consensual encounters, search or seizure of Jennifer Lynn Curtis, DOB 7-26-80, and Kevin Darel Ackerman, DOB, 9-29-71, and search and seizure of their home at 701 Thompsons Dr., Brentwood, Ca., 94513, which began on or about or between 6/28/07 through 12/31/09 including investigation or arrest reports, recordings, e mails, photographs, video and audio recordings, affidavits for search warrants, search warrants, applications for destruction orders, destruction orders, returns to search warrants, lists of property and currency seized, asset forfeiture documents, CAD logs, photographs, and recorded radio communications, and internal and external evidence chain of custody documents of property seized, by Antioch PD, CCCNET, pursuant to Search Warrant, case #P08-301, (CCCNET case number TF07-00076), including reports constituting referring and related to Norm Wielsch, Louis Lombardi, Chris Butler, Michael McGary, Joshua Vincelet, Steven Bergerhouse, Ronald Krenz, Danielle Joannides, Stephanie Chalk, Leonard Orman, Michael Mortimer, Steven Aiello, James Wisecarver Jr., or any other state, local, or Federal Investigation agent or officer involved in the above-mentioned Thompsons Dr. raid.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be

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1 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
2 under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant
3 responds as follows: Defendant will produce relevant, non-privileged documents that have been
4 located in its possession, that may be responsive to this request.

5 **REQUEST FOR PRODUCTION NO. 4:**

6 Any and all reports, audio and video recordings, e mails, photographs, video, or memos
7 drafted pertaining to the above mentioned raid at 701 Thompsons Dr., Brentwood, CA, by any
8 above-entitled Law enforcement agency including Antioch PD Internal Affairs Bureau
9 investigation reports, investigation reports by the Contra Costa County District Attorney's Office,
10 Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of
11 Investigation regarding independent investigation of the raid beginning on or about or between
12 6/28/07 through 12/31/09.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

14 Defendant objects to this request insofar as the request is not calculated to lead to the
15 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
16 entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope,
17 seeks records not in the possession of these Antioch Defendants, seeks documents which may be
18 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
19 under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant
20 responds as follows: Defendant will produce relevant, non-privileged documents that have been
21 located in its possession, that may be responsive to this request.

22 **REQUEST FOR PRODUCTION NO. 5:**

23 Any and all reports, audio and video recordings, e mails, photographs, or memos drafted
24 pertaining to the above-mentioned raid at 701 Thompsons Dr., Brentwood, CA, by any above-
25 entitled Law enforcement agency including APD Internal Affairs Bureau investigation reports,
26 investigation reports by the Contra Costa County District Attorney's Office, Bureau of Narcotics
27 Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation
28 regarding independent investigation of the above-named Thompsons Dr. raid beginning on or

around or between 6/28/07 through 12/31/09.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant responds as follows: Defendant will produce relevant, non-privileged documents that have been located in its possession, that may be responsive to this request.

REQUEST FOR PRODUCTION NO. 6:

Any and all documents pertaining to any CCCNET and/or Antioch PD raid on 701 Thompsons Dr., Brentwood, Ca., 94513, beginning on or around or between 6/28/07 through 12/31/09, including investigation or arrest reports, audio and video recordings, e mails, applications for search warrants, search warrants, returns to search warrants, lists of property and currency seized, application for destruction orders, destruction orders, asset forfeiture documents, CAD logs, and recorded radio communications pertaining and related to any detentions, consensual encounters, and internal and external evidence chain of custody documents of property searched and seized from Jennifer Lynn Curtis, DOB 7-26-80, and Kevin Darel Ackerman, DOB, 9-29-71 and their home at 701 Thompsons Dr., Brentwood, Ca., 94513, including reports constituting, referring and related to Norm Wielsch, Louis Lombardi, Chris Butler, Michael McGary, Joshua Vincelet, Steven Bergerhouse, Ronald Krenz, Danielle Joannides, Stephanie Chalk, Leonard Orman, Michael Mortimer, Steven Aiello, James Wisecarver Jr., or any other state local, or Federal Investigation agent or officer involved in the raid beginning on or around or between 6/28/07 through 12/31/09.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is

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entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant responds as follows: Defendant will produce relevant, non-privileged documents that have been located in its possession, that may be responsive to this request.

REQUEST FOR PRODUCTION NO. 7:

Any and all reports, recordings, e-mails, photographs, audio and video recordings, or memos drafted pertaining to the raid at 701 Thompsons Dr., Brentwood, CA, which began on or around or between 6/28/07 through 12/31/09, by any law enforcement agency including APD Internal Affairs Bureau investigation reports, investigation reports by the Contra Costa County District Attorney's Office, San Ramon PD, Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation regarding independent investigation of the raid on 701 Thompsons Dr., Brentwood, Ca., 94513, beginning on or around or between 6/28/07 through 12/31/09.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant responds as follows: Defendant will produce relevant, non-privileged documents that have been located in its possession, that may be responsive to this request.

REQUEST FOR PRODUCTION NO. 8:

Any and all documents memorializing any and all verbal or written complaints by Ms. Jennifer Curtis about the seizure of a wrist watch, currency, or any other property from her home on 701 Thompsons Dr., Brentwood CA, made to the Antioch PD, Brentwood PD; San Ramon

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PD, or CCCNET beginning on or around or between 6/28/07 through 12/31/09, including reports, e mails, audio and video recordings, CAD logs, any memoranda or phone logs or front counter logs memorializing contacts about complaints between Jennifer Lynn Curtis and Antioch PD, San Ramon PD, or CCCNET including, photographs, and radio communications.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant responds as follows: Defendant will produce relevant, non-privileged documents that have been located in its possession, that may be responsive to this request.

REQUEST FOR PRODUCTION NO. 9:

Any documents pertaining to Ms. Curtis's complaints of any law enforcement raid on her home at 701 Thompsons Dr., Brentwood CA, beginning on or around or between 6/28/07 through 12/31/09, including investigation reports, or arrest reports of any suspect related to the theft of the watch, audio or video recordings, e-mails, affidavits for search warrants, search warrants, returns to search warrants, lists of property and currency seized, asset forfeiture documents, CAD logs, and recorded radio communications.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant responds as follows: Defendant will produce relevant, non-privileged documents that have been

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located in its possession, that may be responsive to this request.

REQUEST FOR PRODUCTION NO. 10:

Any and all documents pertaining to any verbal or written complaints by Ms. Jennifer Curtis to the Antioch PD, or San Ramon PD regarding Ms. Curtis's complaint of the search of her home and the seizure of a wrist watch, currency, or any other property from her home at 701 Thompsons Dr., Brentwood CA, beginning on or around or between 6/28/07 through 12/31/09, including informational reports, audio and video recordings, e mails, photographs, or memos drafted by any law enforcement agency in the possession of APD including APD Internal Affairs Bureau investigation reports, investigation reports by the Contra Costa County District Attorney's Office, San Ramon PD, Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant responds as follows: Defendant will produce relevant, non-privileged documents that have been located in its possession, that may be responsive to this request.

REQUEST FOR PRODUCTION NO. 11:

Any and all documents constituting referring and related to the visit to the San Ramon Police Department by Jennifer Curtis beginning on a date unknown or on or about May 25, 2011 to identify any wrist watch in the possession of APD referring to any report by San Ramon PD including reports drafted by SRPD officers Gary Goldberg #32, or Jason Barnes #23 or any other member or agent of San Ramon PD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Defendant objects to this request insofar as the request is not calculated to lead to the

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discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant responds as follows: Defendant is not in possession of any documents that may be responsive to this request.

REQUEST FOR PRODUCTION NO. 12:

Any other documents regarding any investigation into the seizure of any wrist watch from Ms. Curtis, beginning 6/28/07 through 12/31/09, constituting, referring, and related to Norm Wielsch, Louis Lombardi, Chris Butler, Michael McGary, Joshua Vincelet, Steven Bergerhouse, Ronald Krenz, Danielle Joannides, Stephanie Chalk, Leonard Orman, Michael Mortimer, Steven Aiello, James Wisecarver Jr., or any other state, local, or Federal Investigation agent or officer investigating or interviewing any Antioch PD agent or officer pertaining to Ms. Curtis' complaint about a wrist watch, including reports generated by any state, federal or local agent, including investigation or arrest reports, recordings, e-mails, photographs, audio and video recordings, search warrants, returns to search warrants, lists of property and currency seized, asset forfeiture documents, CAD logs, recorded radio communications, and internal and external evidence chain of custody documents seized.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant responds as follows: Defendant is not in possession of any documents that may be responsive to this request.

REQUEST FOR PRODUCTION NO. 13:

Any and all documents including investigation or arrest reports, recordings, e-mails, photographs, video, search warrants, returns to search warrants, lists of property and currency stolen, asset, CAD logs, photographs, and recorded radio communications pertaining and related to the burglary of the home of Detective Michael Mortimer beginning on a date unknown or on or about 2011.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant responds as follows: Defendant is not in possession of any documents that may be responsive to this request.

REQUEST FOR PRODUCTION NO. 14:

Any and all documents in the possession of APD pertaining and related to any detentions, consensual encounters, or search of the home of and seizure any property where a large amount of currency was taken from the home of James E. Cooper, DOB, 12-07-69, located on 233 Gleason Ave, Vallejo CA 94590 and any other residences he is associated with including but not limited to his wife's residence beginning on a date unknown or on or about or between 12/01/07 to 12/31/08, (see CCCSO case report #07-31103) including investigation or arrest reports, recordings, e-mails, photographs, video, affidavits in support of search warrants, search warrants, returns to search warrants, application for destruction orders, destruction orders, lists of property and currency seized, asset forfeiture documents, and internal and external evidence chain of custody documents of property seized, drafted by any law enforcement agency in the possession of APD, including Internal Affairs Bureau investigation reports, investigation reports by the Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or

1 reports by any special agent of the Federal Bureau of Investigation, as well as CAD logs, and
2 recorded radio communications.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

4 Defendant objects to this request insofar as the request is not calculated to lead to the
5 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
6 entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope,
7 seeks records not in the possession of these Antioch Defendants, seeks documents which may be
8 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
9 under the U.S. and California constitutions, seeks records of an individual that is not a party in
10 this action, and, in addition, discovery pertaining to any *Monell* type claim against the City of
11 Antioch has been ordered deferred by the Court.

12 **REQUEST FOR PRODUCTION NO. 15:**

13 Any and all documents pertaining and related to any detentions, consensual encounters ,
14 or search and seizure of Justin Reis, at 409 Elberta Ct., Brentwood, Ca., 94513 and his home
15 beginning on a date unknown or May 2008, including investigation or arrest reports, recordings, e
16 mails, photographs, video, affidavits for search warrants, search warrants, returns to search
17 warrants, lists of property and currency seized, application for destruction orders, destruction
18 orders, asset forfeiture documents, and internal and external evidence chain of custody documents
19 of property seized, drafted by any law enforcement agency in the possession of APD, including
20 Internal Affairs Bureau investigation reports, investigation reports by the Contra Costa County
21 District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special
22 agent of the Federal Bureau of Investigation, as well as CAD logs, and recorded radio
23 communications.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

25 Defendant objects to this request insofar as the request is not calculated to lead to the
26 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
27 entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope,
28 seeks records not in the possession of these Antioch Defendants, seeks documents which may be

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1 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
2 under the U.S. and California constitutions, seeks records of an individual that is not a party in
3 this action, and, in addition, discovery pertaining to any Monell type claim against the City of
4 Antioch has been ordered deferred by the Court.

5 **REQUEST FOR PRODUCTION NO. 16:**

6 Any and all documents pertaining and related to any detentions, consensual encounters, or
7 search and seizure of Charles "Chucky" Michael Ortega DOB, 1-23-86, and Angelita Baldazo-
8 Ortega, DOB, 10-17-88 at 2201 Sycamore Dr. #16, Antioch, Ca., 94509 and their home
9 beginning on or around 1/14/10 (See Search Warrant #M10-023) including investigation or arrest
10 reports, , as well as CAD logs, recorded radio communications, recordings, e mails, photographs,
11 video, search warrants, returns to search warrants, lists of property and currency seized,
12 application for destruction orders, destruction orders, and internal and external evidence chain of
13 custody documents of property seized, asset forfeiture documents, (see CCSC #N10-0307)
14 drafted by any law enforcement agency in the possession of APD, including Internal Affairs
15 Bureau investigation reports, investigation reports by the Contra Costa County District Attorney's
16 Office, Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal
17 Bureau of Investigation.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

19 Defendant objects to this request insofar as the request is not calculated to lead to the
20 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
21 entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope,
22 seeks records not in the possession of these Antioch Defendants, seeks documents which may be
23 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
24 under the U.S. and California constitutions, seeks records of an individual that is not a party in
25 this action, and, in addition, discovery pertaining to any Monell type claim against the City of
26 Antioch has been ordered deferred by the Court.

27 **REQUEST FOR PRODUCTION NO. 17:**

28 Any and all documents pertaining and related to any detentions, consensual encounters, or
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RESPONSES TO PLAINTIFF'S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS

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search and seizure of Paul R. Quintana beginning on a date unknown or on or around 1/14/10, including investigation or arrest reports, recordings, e mails, photographs, video, search warrants, returns to search warrants, lists of property and currency seized, application for destruction orders, destruction orders, asset forfeiture documents, and internal and external evidence chain of custody documents of property seized drafted by any law enforcement agency in the possession of APD, including Internal Affairs Bureau investigation reports, investigation reports by the Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation, as well as CAD logs, and recorded radio communications.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions, seeks records of an individual that is not a party in this action, and, in addition, discovery pertaining to any Monell type claim against the City of Antioch has been ordered deferred by the Court.

REQUEST FOR PRODUCTION NO. 18:

Any and all documents pertaining and related to any detentions, consensual encounters, or search and seizure of Sergio Ortega Jr, and Renee Beth Earle's home at 286 Pebble Beach Dr., Brentwood, CA and their home beginning on a date unknown or on or about or between 1/1/08 through 12/31/08, including CAD logs, and recorded radio communications, investigation or arrest reports, recordings, e mails, photographs, video, search warrants, returns to search warrants, lists of property and currency seized, application for destruction orders, destruction orders, asset forfeiture documents, and internal and external evidence chain of custody documents of property seized, drafted by Antioch Police Department, or any law enforcement agency in the possession of APD, including Internal Affairs Bureau investigation reports, investigation reports by the

1 Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or
 2 reports by any special agent of the Federal Bureau of Investigation, Federal Drug Enforcement
 3 Administration.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

5 Defendant objects to this request insofar as the request is not calculated to lead to the
 6 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
 7 entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope,
 8 seeks records not in the possession of these Antioch Defendants, seeks documents which may be
 9 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
 10 under the U.S. and California constitutions, seeks records of an individual that is not a party in
 11 this action, and, in addition, discovery pertaining to any Monell type claim against the City of
 12 Antioch has been ordered deferred by the Court.

13 **REQUEST FOR PRODUCTION NO. 19:**

14 Any and all documents pertaining and related to any detentions, consensual encounters, or
 15 search and seizure of either Michelle Iniguez and/or Gabriel Iniguez, and their home on 57
 16 Chelsea Wy, Pittsburg, CA beginning on a date unknown or on or about or between 1/1/08
 17 through 12/31/08, including CAD logs, and recorded radio communications, investigation or
 18 arrest reports, recordings, e-mails, photographs, video, search warrants, returns to search
 19 warrants, lists of property and currency seized, application for destruction order, destruction
 20 orders, asset forfeiture documents, and internal and external evidence chain of custody documents
 21 seized, drafted by Antioch Police Department, or any law enforcement agency in the possession
 22 of APD, including Internal Affairs Bureau investigation reports, investigation reports by the
 23 Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or
 24 reports by any special agent of the Federal Bureau of Investigation, Federal Drug Enforcement
 25 Administration.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

27 Defendant objects to this request insofar as the request is not calculated to lead to the
 28 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is

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entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions, seeks records of an individual that is not a party in this action, and, in addition, discovery pertaining to any Monell type claim against the City of Antioch has been ordered deferred by the Court.

REQUEST FOR PRODUCTION NO. 20:

Any and all documents pertaining and related to any detentions, consensual encounters, or search and seizure of Sergio Ortega Jr, and Renee Beth Earle, their home on 286 Pebble Beach Dr., Brentwood, CA and the Broken Wheel Cocktail Lounge, 5620 Main Street, Oakley, CA , beginning on or about or between 1/1/08 through 12/31/08, including investigation or arrest reports, recordings, e mails, photographs, video, search warrants, returns to search warrants, lists of property and currency seized, application for destruction orders, destruction orders, asset forfeiture documents, internal and external evidence chain of custody documents of property seized, drafted by Antioch Police Department, or any law enforcement agency in the possession of APD, including Internal Affairs Bureau investigation reports, investigation reports by the Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation, Federal Drug Enforcement Administration, as well as CAD logs, and recorded radio communications.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions, seeks records of an individual that is not a party in this action, and, in addition, discovery pertaining to any Monell type claim against the City of Antioch has been ordered deferred by the Court.

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REQUEST FOR PRODUCTION NO. 21:

Any and all documents pertaining and related to any detentions, consensual encounters, or search and seizure of Lewis "Randy" Decker, DOB, 3-15-54, beginning on a date unknown or on or about or between 3/1/10 and 7/1/10 including CAD logs, and recorded radio communications, investigation or arrest reports, recordings, e mails, photographs, video, search warrants, returns to search warrants, lists of property and currency seized, application for destruction orders, destruction orders, asset forfeiture documents, and internal and external evidence chain of custody documents seized, drafted by Antioch Police Department, or any law enforcement agency in the possession of APD, including Internal Affairs Bureau investigation reports, investigation reports by the Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation, Federal Drug Enforcement Administration.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions, seeks records of an individual that is not a party in this action, and, in addition, discovery pertaining to any *Monell* type claim against the City of Antioch has been ordered deferred by the Court.

REQUEST FOR PRODUCTION NO. 22:

Any and all documents pertaining and related to any detentions, consensual encounters, or search and seizure of the home of Michael B. Stout (aka - "Tahoe Mike"), DOB, 5-9-80, at 3828 Killdeer Dr., Antioch, Ca. beginning on a date on or about or between 5/1/06 through 1/1/09, see CCC Superior Court search warrant #P07-220 signed by the court on August 9, 2007, including CAD logs, and recorded radio communications, investigation or arrest reports, recordings, e mails, photographs, video, search warrants, returns to search warrants, lists of property and

1 currency seized, application for destruction orders, destruction orders, asset forfeiture documents,
 2 and internal and external evidence chain of custody documents of property seized, drafted by
 3 Antioch Police Department, or any law enforcement agency in the possession of APD, including
 4 Internal Affairs Bureau investigation reports, investigation reports by the Contra Costa County
 5 District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special
 6 agent of the Federal Bureau of Investigation, or Federal Drug Enforcement Administration.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

8 Defendant objects to this request insofar as the request is not calculated to lead to the
 9 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
 10 entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope,
 11 seeks records not in the possession of these Antioch Defendants, seeks documents which may be
 12 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
 13 under the U.S. and California constitutions, seeks records of an individual that is not a party in
 14 this action, and, in addition, discovery pertaining to any *Monell* type claim against the City of
 15 Antioch has been ordered deferred by the Court.

16 **REQUEST FOR PRODUCTION NO. 23:**

17 Any and all documents pertaining to consensual encounters, arrests, or search and seizures
 18 of Anthony Denner, DOB 5/6/79, or search and seizure of the business known as the "Fashion
 19 Statement" 401 Sunset Drive Ste. 401 E, Antioch, Ca. owned and/or operated by Anthony
 20 Denner, beginning on a date unknown or on or about or between 1/1/09 through 12/31/13,
 21 including CAD logs, and recorded radio communications, investigation or arrest reports,
 22 recordings, e mails, photographs, video, search warrants, returns to search warrants, lists of
 23 property and currency seized, application for destruction order, destruction orders, asset forfeiture
 24 documents, and internal and external evidence chain of custody documents of property seized,
 25 drafted by Antioch Police Department, or any law enforcement agency in the possession of the
 26 Antioch PD, including Internal Affairs Bureau investigation reports, investigation reports by the
 27 Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or
 28 reports by any special agent of the Federal Bureau of Investigation, or Federal Drug Enforcement

Administration.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant responds as follows: Defendant will produce relevant, non-privileged documents that have been located in its possession, that may be responsive to this request.

REQUEST FOR PRODUCTION NO. 24:

Any and all documents or search and seizure of the home of Anthony Denner, DOB 5/6/79 by any officer or agent of APD, beginning on a date unknown or on or about or between 1/1/09 and 12/31/13, including CAD logs, and recorded radio communications, investigation or arrest reports, recordings, e mails, photographs, video, search warrants, returns to search warrants, lists of property and currency seized, application for destruction order, destruction orders, asset forfeiture documents, and internal and external chain of custody documents of property seized, drafted by Antioch Police Department, or any law enforcement agency in the possession of APD, including Internal Affairs Bureau investigation reports, investigation reports by the Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation, Federal Drug Enforcement Administration.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant

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1 responds as follows: Defendant will produce relevant, non-privileged documents that have been
2 located in its possession, that may be responsive to this request.

3 **REQUEST FOR PRODUCTION NO. 25:**

4 Any and all documents pertaining and related to any detentions, consensual encounters, or
5 search and seizure Sean Adolfo O'Toole, DOB 12/21/74 and Kelly Barbara O'Toole, DOB
6 1/13/75, their business Known as the "Grow it Yourself" located on 401 Sunset Drive Ste. 401 F,
7 Antioch, Ca., and any "Grow it Yourself" employees, beginning on or about 10/14/09 including
8 CAD logs, and recorded radio communications, investigation or arrest reports, computer analysis
9 of computers authored by Officer Stanton or any other individual examining any computers
10 seized from Grow it Yourself, recordings, e mails, copies of computer hard drives seized,
11 photographs, video, search warrants, returns to search warrants, lists of property and currency
12 seized, application for destruction orders ,destruction orders, asset forfeiture documents, and
13 internal and external chain of custody documents of property seized, drafted by Antioch Police
14 Department, or any law enforcement agency in the possession of APD, including Internal Affairs
15 Bureau investigation reports, investigation reports by the Contra Costa County District Attorney's
16 Office, Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal
17 Bureau of Investigation, and Federal Drug Enforcement Administration.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

19 Defendant objects to this request insofar as the request is not calculated to lead to the
20 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
21 entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope,
22 seeks records not in the possession of these Antioch Defendants, seeks documents which may be
23 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
24 under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant
25 responds as follows: Defendant will produce relevant, non-privileged documents that have been
26 located in its possession, that may be responsive to this request.

27 **REQUEST FOR PRODUCTION NO. 26:**

28 Any and all documents pertaining to the search and seizure of Steven Daniel Lee's
DEFENDANT CITY OF ANTIOCH'S 20
RESPONSES TO PLAINTIFF'S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS

Lee interview

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property and his arrest at 401 Sunset Drive Ste. F, Antioch, Ca. beginning on a date unknown or on or about or between 10/14/09, including CAD logs, and recorded radio communications, investigation or arrest reports, recordings, e mails, photographs, video, search warrants, returns to search warrants; application for destruction order, destruction orders; lists of property and currency seized, asset forfeiture documents, and internal and external evidence chain of custody documents of property seized, documents pertaining to charging decisions of Mr. Lee drafted by Antioch Police Department, or any law enforcement agency in the possession of APD, including Internal Affairs Bureau investigation reports, investigation reports or charging decision documents by the Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation, and Federal Drug Enforcement Administration.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant responds as follows: Defendant will produce relevant, non-privileged documents that have been located in its possession, that may be responsive to this request.

REQUEST FOR PRODUCTION NO. 27:

Any and all documents pertaining and related to any detentions, consensual encounters, and search and seizure of Daniel Leal at 401 Sunset Drive Ste. F, Antioch, Ca. beginning on a date unknown or on or about or between 10/14/09 including CAD logs, and recorded radio communications, investigation or arrest reports, recordings, e mails, photographs, video, search warrants, returns to search warrants, lists of property and currency seized, application for destruction orders, destruction orders, asset forfeiture documents, and internal and external evidence chain of custody documents of property seized, drafted by Antioch Police Department,

Lee interview

1 or any law enforcement agency in the possession of APD, including Internal Affairs Bureau
 2 investigation reports, investigation reports by the Contra Costa County District Attorney's Office,
 3 Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of
 4 Investigation, Federal Drug Enforcement Administration.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

6 Defendant objects to this request insofar as the request is not calculated to lead to the
 7 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
 8 entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope,
 9 seeks records not in the possession of these Antioch Defendants, seeks documents which may be
 10 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
 11 under the U.S. and California constitutions, seeks records of an individual that is not a party in
 12 this action, and, in addition, discovery pertaining to any *Monell* type claim against the City of
 13 Antioch has been ordered deferred by the Court. Without waiving the foregoing objections,
 14 Defendant responds as follows: Defendant will produce relevant, non-privileged documents that
 15 have been located in its possession, that may be responsive to this request regarding Mr. Leal's
 16 contact with Antioch Police Department officers on October 14, 2009, at the Grow It Yourself
 17 Gardens location.

18 **REQUEST FOR PRODUCTION NO. 28:**

19 Any and all documents pertaining and related to any detentions, consensual encounters,
 20 and search and seizure of Jack Foster at 4162 Tulare Ct., Antioch, Ca. beginning on a date
 21 unknown or on or about 1/5/10 including CAD logs, and recorded radio communications,
 22 investigation or arrest reports, recordings, e-mails, photographs, video, search warrants, returns to
 23 search warrants, lists of property and currency seized, application for destruction order,
 24 destruction orders, asset forfeiture documents, internal and external evidence chain of custody
 25 documents of property seized, and charging decision documents, drafted by the Antioch Police
 26 Department, or any law enforcement agency in the possession of APD, including Internal Affairs
 27 Bureau investigation reports, investigation reports or charging decision documents, by the Contra
 28 Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by

any special agent of the Federal Bureau of Investigation, Federal Drug Enforcement Administration.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant responds as follows: Defendant will produce relevant, non-privileged documents that have been located in its possession, that may be responsive to this request.

REQUEST FOR PRODUCTION NO. 29:

Any and all documents constituting referring, and related to any detentions, consensual encounters, or search and seizure of Ralph Junior Howard, DOB, 12-5-41, at 2924 Pear St., Antioch, Ca., 94509, Mark A. Fernandez, DOB, 5-19-57, at 2924 Pear St., Antioch, Ca., Stephanie Lynn Rangel DOB, 4-12-69, at 2924 Pear St., Antioch, Ca., 94509, and Deborah L. Tierney, DOB, 4-22-53, at 2924 Pear St., Antioch, Ca., 94509 or the search of the residence on 2924 Pear street Antioch, CA beginning on a date unknown or on or about or between 1/1/10 through 12/31/10, including CAD logs, and recorded radio communications, investigation or arrest reports, recordings, e mails, photographs, video, search warrants, returns to search warrants, lists of property and currency seized, application for destruction order, destruction orders, asset forfeiture documents, and internal and external evidence chain of custody documents of property seized, drafted by Antioch Police Department, or any law enforcement agency in the possession of APD, including Internal Affairs Bureau investigation reports, investigation reports or charging decision documents, by the Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation, or Federal Drug Enforcement Administration.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

DEFENDANT CITY OF ANTIOCH'S
RESPONSES TO PLAINTIFF'S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS

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Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions, seeks records of an individual that is not a party in this action, and, in addition, discovery pertaining to any Monell type claim against the City of Antioch has been ordered deferred by the Court.

REQUEST FOR PRODUCTION NO. 30:

Any and all documents constituting, referring, and related to or any and all Antioch Police Department responses, involvement, notification and communications regarding 2924_Pear_St., Antioch,_Ca., for any reason beginning on a date unknown or on or about or between 1/1/05 through 12/31/13, including arrests, any detentions, consensual encounters, CAD logs, and recorded radio communications, investigation or arrest reports, recordings, e mails, photographs, video, search warrants, returns to search warrants, application for destruction orders, destruction orders, lists of property and currency seized, asset forfeiture documents, and internal and external evidence chain of custody documents of property seized, drafted by Antioch Police Department, or any law enforcement agency, including Internal Affairs Bureau investigation reports, investigation reports or charging decision documents, by the Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation, or Federal Drug Enforcement Administration.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions, seeks records of an individual that is not a party in

1 this action, and, in addition, discovery pertaining to any Monell type claim against the City of
2 Antioch has been ordered deferred by the Court.

3 **REQUEST FOR PRODUCTION NO. 31:**

4 Any and all documents pertaining to any detentions, consensual encounters, arrest, search
5 or seizure of Art K. Carasis, DOB 12-17-54, and his home, at 1400 Noia Ave., Antioch, Ca.,
6 94509 beginning on a date unknown or on or about or between 1/1/05 through 12/31/13,
7 including CAD logs, and recorded radio communications, investigation or arrest reports,
8 recordings, e mails, photographs, video, search warrants, returns to search warrants, lists of
9 property and currency seized, application for destruction order, destruction orders, asset forfeiture
10 documents, and internal and external evidence chain of custody documents of property seized,
11 drafted by Antioch Police Department, or any law enforcement agency in the possession of APD,
12 including Internal Affairs Bureau investigation reports, investigation reports or charging decision
13 documents by the Contra Costa County District Attorney's Office, Bureau of Narcotics
14 Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation, and
15 Federal Drug Enforcement Administration.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

17 Defendant objects to this request insofar as the request is not calculated to lead to the
18 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
19 entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope,
20 seeks records not in the possession of these Antioch Defendants, seeks documents which may be
21 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
22 under the U.S. and California constitutions, seeks records of an individual that is not a party in
23 this action, and, in addition, discovery pertaining to any Monell type claim against the City of
24 Antioch has been ordered deferred by the Court.

25 **REQUEST FOR PRODUCTION NO. 32:**

26 Any and all documents pertaining any detentions, consensual encounters, arrest, search or
27 seizure of Abraham_Jesus_Hurtado, DOB,_7-14-86,_of_and/or_ 95219, Kathy_Montoya,_
28 DOB,_ 10-17-88,_ at 2212 Banyon Way, Antioch, CA. on or about or between 1/1/10 through
DEFENDANT CITY OF ANTIOCH'S 25
RESPONSES TO PLAINTIFF'S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS

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12/31/10 , including CAD logs, and recorded radio communications, investigation or arrest reports, recordings, e mails, photographs, video, search warrants, returns to search warrants, lists of property and currency seized, application for destruction orders, destruction orders, asset forfeiture documents (see case number CCC Superior Court #No. 10-0044), and internal and external evidence chain of custody documents of property seized, drafted by the Antioch Police Department, or any law enforcement agency in the possession of APD, including Internal Affairs Bureau investigation reports, investigation reports or charging decision documents by the Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation, and Federal Drug Enforcement Administration.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions, seeks records of an individual that is not a party in this action, and, in addition, discovery pertaining to any Monell type claim against the City of Antioch has been ordered deferred by the Court.

REQUEST FOR PRODUCTION NO. 33:

Any and all documents pertaining to any detentions, consensual encounters, arrest, search or seizure of Timothy Scott Murray DOB 11-7-73, or the search and seizure of items from his home at 801 Gatter Ct. Antioch, CA beginning on a date unknown or on or about or between 1/1/06 through 12/31/06, including CAD logs, and recorded radio communications, investigation or arrest reports, recordings, e mails, photographs, video, search warrants, returns to search warrants, lists of property and currency seized, application for destruction order, destruction orders, asset forfeiture documents, and internal and external evidence chain of custody documents of property seized, drafted by Antioch Police Department, or any law enforcement agency in the

1 possession of APD, including Internal Affairs Bureau investigation reports, investigation reports
 2 by the Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports,
 3 or reports by any special agent of the Federal Bureau of Investigation, Federal Drug Enforcement
 4 Administration.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

6 Defendant objects to this request insofar as the request is not calculated to lead to the
 7 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
 8 entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope,
 9 seeks records not in the possession of these Antioch Defendants, seeks documents which may be
 10 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
 11 under the U.S. and California constitutions, seeks records of an individual that is not a party in
 12 this action, and, in addition, discovery pertaining to any Monell type claim against the City of
 13 Antioch has been ordered deferred by the Court.

14 **REQUEST FOR PRODUCTION NO. 34:**

15 Any and all documents pertaining to any detentions, consensual encounters, arrest, search
 16 or seizure Jennifer Marie Anderson, DOB, 4-5-89, or of the search and seizure of items from
 17 her home at 3550 Vancouver Way, Concord, Ca., 94520, beginning on a date unknown or on or
 18 about or between 1/1/09 through 12/31/09 including CAD logs, and recorded radio
 19 communications, investigation or arrest reports, recordings, e mails, photographs, video, search
 20 warrants, returns to search warrants, lists of property and currency seized, application for
 21 destruction orders and destruction orders, asset forfeiture documents, and internal and external
 22 evidence chain of custody documents of property seized, drafted by Antioch Police Department,
 23 or any law enforcement agency in the possession of APD, including Internal Affairs Bureau
 24 investigation reports, investigation reports by the Contra Costa County District Attorney's Office,
 25 Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of
 26 Investigation, or Federal Drug Enforcement Administration.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

28 Defendant objects to this request insofar as the request is not calculated to lead to the
 DEFENDANT CITY OF ANTIOCH'S
 RESPONSES TO PLAINTIFF'S FIRST REQUEST
 FOR PRODUCTION OF DOCUMENTS

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discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions, seeks records of an individual that is not a party in this action, and, in addition, discovery pertaining to any Monell type claim against the City of Antioch has been ordered deferred by the Court.

REQUEST FOR PRODUCTION NO. 35:

Any and all documents pertaining any detentions, consensual encounters, arrest, search or seizure, of Dominic Rodriguez DOB, 6-30-76, or of the search and seizure of items from either 4612 Oak Meadow Ct., Antioch, CA., and 5154 Fern Ridge Circle 3550, Discovery Bay, beginning on a date unknown or on or about or between 1/1/09 through 12/31/10, drafted by any officer or agent of the Antioch Police Department, including, CAD logs, and recorded radio communications, investigation or arrest reports, recordings, e mails, photographs, video, search warrants, returns to search warrants, lists of property and currency seized, application for destruction order, destruction orders, asset forfeiture documents, (See CCCSC case #N09-2028 and APD case #2009-011625), and internal and external evidence chain of custody documents or any law enforcement agency, including Internal Affairs Bureau investigation reports, investigation reports and charging decision documents by the Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation, or Federal Drug Enforcement Administration.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions, seeks records of an individual that is not a party in

1 this action, and, in addition, discovery pertaining to any Monell type claim against the City of
 2 Antioch has been ordered deferred by the Court.

3 **REQUEST FOR PRODUCTION NO. 36:**

4 Any and all documents drafted by any officer or agent of the Antioch Police Department,
 5 or any law enforcement agency, pertaining to any person charged in Contra Costa County
 6 Superior Court # 04-139481-6 including APD investigation or arrest reports, recordings, e mails,
 7 photographs, video, audio recordings, search warrants, returns to search warrants, lists of property
 8 and currency seized, application for destruction orders and destruction orders, asset forfeiture
 9 documents, as well as CAD logs, and recorded radio communications, and internal and external
 10 evidence chain of custody documents of property seized, pertaining the detention, arrest, and
 11 search or seizure documents, Internal Affairs Bureau investigation reports, investigation reports
 12 by the Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports,
 13 or reports by any special agent of the Federal Bureau of Investigation, and Federal Drug
 14 Enforcement Administration.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

16 Defendant objects to this request insofar as the request is not calculated to lead to the
 17 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous
 18 regarding "Contra Costa County Superior Court # 04-139481-6", is entirely compound, is unduly
 19 burdensome and oppressive, is overbroad as to time and scope, seeks records not in the
 20 possession of these Antioch Defendants, seeks documents which may be privileged and/or
 21 confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and
 22 California constitutions, seeks records of an individual that is not a party in this action, and, in
 23 addition, discovery pertaining to any Monell type claim against the City of Antioch has been
 24 ordered deferred by the Court.

25 **REQUEST FOR PRODUCTION NO. 37:**

26 Any and all documents pertaining to any detentions, consensual encounters , arrest, and
 27 search or seizure documents pertaining to any and all contacts between the Antioch Police
 28 Department and Angelo G. Vassos, DOB, 4-2-60, beginning on a date unknown or on or about or

DEFENDANT CITY OF ANTIOCH'S
 RESPONSES TO PLAINTIFF'S FIRST REQUEST
 FOR PRODUCTION OF DOCUMENTS

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between 1/1/05 through 12/31/13 drafted by any officer or agent of the Antioch Police Department, or any law enforcement agency, including CAD logs, and recorded radio communications, investigation or arrest reports, recordings, e mails, photographs, video, audio recordings; search warrants, returns to search warrants, lists of property and currency seized, application for destruction orders and destruction orders, internal and external evidence chain of custody documents, asset forfeiture documents, Internal Affairs Bureau investigation reports, investigation reports or charging decision documents by the Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation, or Federal Drug Enforcement Administration.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions, seeks records of an individual that is not a party in this action, and, in addition, discovery pertaining to any *Monell* type claim against the City of Antioch has been ordered deferred by the Court.

REQUEST FOR PRODUCTION NO. 38:

Any and all documents referencing Jack Foster, Sean O'Toole, Kelly O'Toole, Steven Daniel Lee, and Jennifer Lynn Curtis, drafted by the Antioch Police Department, including investigation or arrest reports, e mails, photographs, video, audio recordings, search warrants, returns to search warrants, lists of property and currency seized, internal and external evidence chain of custody documents, application for destruction orders, destruction orders, or any law enforcement agency in the possession of the Antioch Police Department, including Internal Affairs Bureau investigation reports, investigation reports or charging decision documents by the Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation, or Federal Drug Enforcement

Administration.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions. Without waiving the foregoing objections, Defendant responds as follows: Defendant will produce relevant, non-privileged documents that have been located in its possession, that may be responsive to this request, related to the events and allegations alleged in this case per Plaintiffs' complaint and any amended complaints.

REQUEST FOR PRODUCTION NO. 39:

Any and all documents pertaining and related to any investigation constituting, referring and related to Norm Wielsch, Louis Lombardi, Chris Butler, Michael McGary, Joshua Vincelet, Steven Bergerhouse, Ronald Krenz, Danielle Joannides, Stephanie Chalk, Leonard Orman, Michael Mortimer, Steven Aiello, James Wisecarver Jr., Desmond Bittner, Matthew Koch, including CAD logs, photographs, video, audio interviews, wiretaps, recorded radio communications, arrest reports, investigation or informational reports, search warrants, returns to search warrants, lists of property and currency seized, application for destruction orders, destruction orders, internal and external chain of custody documents, asset forfeiture documents, including Internal Affairs Bureau investigation reports, investigation reports by the Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation, or Federal Drug Enforcement Administration or any other state, local, or Federal Investigation agent or officer involved as either a suspect, witness, or investigator in any investigation of any drug or prostitution investigation involving the above-named officers, not referenced above, in which any above-named officer participated in, from 1/1/04 through 12/31/12.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

DEFENDANT CITY OF ANTIOCH'S
RESPONSES TO PLAINTIFF'S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS

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Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is fatally overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive due to its breadth in relation to a request for eight plus years of investigations involving various officers and/or detectives, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions, seeks records of an individual that is not a party in this action, and, in addition, discovery pertaining to any Monell type claim against the City of Antioch has been ordered deferred by the Court.

REQUEST FOR PRODUCTION NO. 40:

The entire Antioch Police Department internal investigation file into the plaintiff's government tort claim related to the incidents alleged in plaintiff's Complaint, including, but not limited to, all memoranda, notes, writings, E-mail, audio and video recordings, photographs, charts, diagrams, transcripts and physical evidence relating to any entry and search at either Plaintiffs' place of business known as Grow it Yourself Gardens LLC located at 401-F Sunset Drive Antioch, CA 94509, search of "Fashion Statement" 401 Sunset Drive Ste. 401 E, Antioch, Ca., search of 701 Thompsons Dr., Brentwood, Ca., 94513, including complaints by Ms. Jennifer Curtis about the seizure of a wrist watch, currency, or any other property from her home, made to the Antioch PD, Brentwood PD, San Ramon PD, or CCCNET beginning on a date no later than and/or on or about and between 6/1/07 through 12/31/09, search and seizure of 4162 Tulare Ct., Antioch, Ca., and Sean Adolfo O'Toole, and Kelly Barbara O'Toole, Jennifer Curtis, Jack Foster, or Steven Lee, beginning on a date no later than and/or on or about and between 1/1/10 through 12/31/10.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be

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1 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
2 under the U.S. and California constitutions, discovery pertaining to any Monell type claim against
3 the City of Antioch has been ordered deferred by the Court, seeks documents which are
4 privileged and confidential and may implicate the fundamental rights to privacy under the U.S.
5 and California constitutions of Antioch Police Department officers, and per California statutes, in
6 addition this request implicates Kelly v. City of San Jose, 114 F.R.D. 653 (N.D. Ca 1987) and
7 California Evidence Code §§ 1040, 1043, 1045, 1046, Government Code §§ 3300 et seq., Penal
8 Code §§ 832.7, 832.8, and per Pitchess v. Superior Court (1974) 11 Cal.3d 531, and its progeny.

9 **REQUEST FOR PRODUCTION NO. 41:**

10 Any and all documents pertaining and related to any detentions, arrests, marijuana
11 investigations, and consensual encounters of Jerry Fairley, or search and seizure of any of his
12 homes in Brentwood, Ca., or any home rented and or inhabited by Jerry Fairley in any city,
13 beginning on a date unknown or on or about or between 1/1/09 through 12/31/10 including CAD
14 logs, and recorded radio communications investigation or arrest reports, recordings, e mails,
15 photographs, video, search warrants, returns to search warrants, lists of property and currency
16 seized, application for destruction orders, destruction orders, internal and external chain of
17 custody documents, asset forfeiture documents, drafted by Antioch Police Department, or any law
18 enforcement agency in APD possession, including Internal Affairs Bureau investigation reports,
19 investigation reports and documents pertaining to charging decisions, by the Contra Costa County
20 District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special
21 agent of the Federal Bureau of Investigation, and Federal Drug Enforcement Administration.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

23 Defendant objects to this request insofar as the request is not calculated to lead to the
24 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
25 entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope,
26 seeks records not in the possession of these Antioch Defendants, seeks documents which may be
27 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
28 under the U.S. and California constitutions, seeks records of an individual that is not a party in

1 this action, and, in addition, discovery pertaining to any Monell type claim against the City of
2 Antioch has been ordered deferred by the Court.

3 **REQUEST FOR PRODUCTION NO. 42:**

4 Any and all documents pertaining and related to any detentions, arrests, marijuana
5 investigations, and consensual encounters of Angela Butler, DOB 7-5-74, beginning on a date
6 unknown including CAD logs, and recorded radio communications investigation or arrest reports,
7 recordings, e mails, photographs, video, search warrants, returns to search warrants, lists of
8 property and currency seized, application for destruction orders, destruction orders, internal and
9 external chain of custody documents, asset forfeiture documents, drafted by Antioch Police
10 Department, or any law enforcement agency in APD possession, including Internal Affairs
11 Bureau investigation reports, investigation reports and documents pertaining to charging
12 decisions, by the Contra Costa County District Attorney's Office, Bureau of Narcotics
13 Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation, and
14 Federal Drug Enforcement Administration.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

16 Defendant objects to this request insofar as the request is not calculated to lead to the
17 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
18 entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope,
19 seeks records not in the possession of these Antioch Defendants, seeks documents which may be
20 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
21 under the U.S. and California constitutions, seeks records of an individual that is not a party in
22 this action, and, in addition, discovery pertaining to any Monell type claim against the City of
23 Antioch has been ordered deferred by the Court.

24 **REQUEST FOR PRODUCTION NO. 43:**

25 Any and all documents pertaining and related to any detentions, arrests, marijuana
26 investigations, and consensual encounters of Rhonda Lynn Dunning on a date unknown including
27 CAD logs, and recorded radio communications investigation or arrest reports, recordings, e mails,
28 photographs, video, search warrants, returns to search warrants, lists of property and currency

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1 seized, application for destruction orders, destruction orders, internal and external chain of
2 custody documents, asset forfeiture documents, drafted by Antioch Police Department, or any law
3 enforcement agency in APD possession, including Internal Affairs Bureau investigation reports,
4 investigation reports and documents pertaining to charging decisions, by the Contra Costa County
5 District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special
6 agent of the Federal Bureau of Investigation, and Federal Drug Enforcement Administration.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

8 Defendant objects to this request insofar as the request is not calculated to lead to the
9 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
10 entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope,
11 seeks records not in the possession of these Antioch Defendants, seeks documents which may be
12 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
13 under the U.S. and California constitutions, seeks records of an individual that is not a party in
14 this action, and, in addition, discovery pertaining to any Monell type claim against the City of
15 Antioch has been ordered deferred by the Court.

16 **REQUEST FOR PRODUCTION NO. 44:**

17 Any and all documents constituting, referring, and related to any detention, arrest, search
18 or seizure Shiloh J. O'Neill, DOB, 11-19-75, or the search and seizure of items from his home
19 at 914 Santa Lucia Dr., in Pleasant Hill, Ca., 94523, beginning on a date unknown or on or
20 about and between 1/1/09 through 12/31/11 (See CCCNET # TF09-0093 and CCCSct. # N09-
21 1636) including, CAD logs, and recorded radio communications, investigation or arrest reports,
22 recordings, e mails, photographs, audio and video recordings, affidavits for search warrants,
23 search warrants, destruction orders, request for destruction orders, returns to search warrants, lists
24 of property and currency seized, internal and external evidence chain of custody documents, asset
25 forfeiture documents, drafted by Antioch Police Department, or any law enforcement agency,
26 including Internal Affairs investigation reports, investigation reports by the Contra Costa County
27 District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special
28 agent of the Federal Bureau of Investigation, Federal Drug Enforcement Administration.

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RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound; is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions, seeks records of an individual that is not a party in this action, and, in addition, discovery pertaining to any Monell type claim against the City of Antioch has been ordered deferred by the Court.

REQUEST FOR PRODUCTION NO. 45:

Any and all documents pertaining the response to a call by any member of CCCNET including Louis Lombardi, Norman Wielsch, or any other CCCNET officer involved in the response to a call for the seizure of currency mailed to the place of business owned by Michael McGuire located at 1425 Parkside Drive, Walnut Creek, CA and seized by Antioch Police Department, CCCNET or any agent acting on behalf of the CCC Sheriff's Department, San Ramon PD or any other agency beginning on a date unknown or on or about or between 1/1/07 through 12/31/08, including CAD logs, and recorded radio communications, investigation or arrest reports, audio and video recordings, e mails, photographs, affidavits for search warrants, search warrants, returns to search warrants, lists of property and currency seized, internal and external evidence chain of custody documents, asset forfeiture documents, drafted by any agent of CCCNET, Antioch Police Department, or any law enforcement agency, including BNE Internal Affairs investigation reports, investigation reports by the Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by and special agent of the Federal Bureau of Investigation, and Federal Drug Enforcement Administration.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope,

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1 seeks records not in the possession of these Antioch Defendants, seeks documents which may be
2 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
3 under the U.S. and California constitutions, seeks records of an individual that is not a party in
4 this action, and, in addition, discovery pertaining to any Monell type claim against the City of
5 Antioch has been ordered deferred by the Court.

6 **REQUEST FOR PRODUCTION NO. 46:**

7 Any and all documents pertaining to any detentions, consensual encounters, arrest, and
8 search or seizure documents pertaining to any and all contacts between the Antioch Police
9 Department and Jennifer Marie Anderson, DOB, 4-5-89, or of the search and seizure of items
10 and her home at 3550 Vancouver Way, Concord, Ca., 94520, beginning on a date unknown or
11 on or about or between 1/1/09 through 12/31/09, drafted by any officer or agent of the Antioch
12 Police Department, or any law enforcement agency, including CAD logs, and recorded radio
13 communications, investigation or arrest reports, recordings, e mails, photographs, video, audio
14 recordings, search warrants, returns to search warrants, lists of property and currency seized,
15 application for destruction orders and destruction orders, internal and external evidence chain of
16 custody documents, asset forfeiture documents, Internal Affairs Bureau investigation reports,
17 investigation reports or charging decision documents by the Contra Costa County District
18 Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special agent of
19 the Federal Bureau of Investigation, or Federal Drug Enforcement Administration.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

21 Defendant objects to this request insofar as the request is not calculated to lead to the
22 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
23 entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope,
24 seeks records not in the possession of these Antioch Defendants, seeks documents which may be
25 privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons
26 under the U.S. and California constitutions, seeks records of an individual that is not a party in
27 this action, and, in addition, discovery pertaining to any Monell type claim against the City of
28 Antioch has been ordered deferred by the Court.

1 REQUEST FOR PRODUCTION NO. 47:

2 Any and all documents that comprise or are part of the personnel file of the defendants

3 JOSHUA VINCELET, JAMES WISECARVER JR., STEVEN AIELLO, STEVEN

4 BERGERHOUSE, RONALD KRENZ, DANIELLE JOANNIDES, STEPHANIE A. CHALK,

5 and CAPTAIN LEONARD ORMAN, MICHAEL MORTIMER, DESMOND

6 BITTNER, MATTHEW KOCH and any other officer from the Antioch Police Department who

7 was present at either Plaintiffs' place of business known as GROW IT YOURSELF GARDENS,

8 LLC," LOCATED AT 401-F SUNSET DRIVE, ANTIOCH, CALIFORNIA 94509., or Officers

9 present at 701 Thompsons Dr., Brentwood, Ca., 94513 from 1/1/07 through 12/31/11, officers

10 present at the home of James E. Cooper, DOB, 12-07-69 from 12/01/07 to 12/31/08 , officers

11 present at the home of Justin Reis, at 409 Elberta Ct., Brentwood, Ca., 94513 beginning on a date

12 unknown or on or about May 2008 , officers present at the home of Charles "Chucky" Michael

13 Ortega DOB, 1-23-86, and Angelita Baldazo-Ortega, DOB, 10-17-88 at 2201 Sycamore Dr. #16,

14 Antioch, Ca., 94509 beginning on a date unknown or on or about or between 1/14/10, officers

15 present at any search and seizure of any property of Paul R. Quintana beginning on a date

16 unknown or on or about or between 1/14/10, officers present at Sergio Ortega Jr, and Renee Beth

17 Earle's home at 286 Pebble Beach Dr., Brentwood, CA beginning on a date unknown or on or

18 about and between 1/1/08 through 12/31/08, and officers present during the search and seizure of

19 any property from Lewis "Randy" Decker beginning on a date unknown or on or about between

20 3/1/10 through 7/1/10, officers present during the search and seizure of any property from

21 Michael B. Stout (aka - "Tahoe Mike"), DOB, 5-9-80, at 3828 Killdeer Dr., Antioch, Ca.

22 beginning on a date unknown or on or about and between 5/1/06 through 12/31/08, officers

23 present during the search and seizure of any property from Anthony Denner, DOB 5/6/79

24 beginning on a date unknown or on or about or between 1/1/09 and 12/31/13, officers present

25 during the search of the home of plaintiff Steven Daniel Lee beginning on a date unknown or on

26 or about and between 1-5-10, and Jack Foster at 4162 Tulare Ct., Antioch, Ca. beginning on a

27 date unknown or on or about and between 1-5-10, officers present during the search and seizure

28 of Timothy Scott Murray, DOB 11/7/73, and his home at 801 Gatter Ct., Antioch, CA beginning

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1 on a date unknown or on or about or between 1/1/6/through 12/31/06, officers present during the
 2 search and seizure of Ralph_Junior_Howard,_DOB,_12-5-41,Mark_ A._Fernandez,_ DOB,_
 3 5-19-57,_Stephanie_Lynn_Rangel DOB,_4-12-69,_and Deborah_L._Tierney,_DOB,_4-22-53,
 4 at 2924_Pear_St.; Antioch,_Ca., 94509 beginning on a date unknown or on or about 1/1/10
 5 through 12/31/10, officers present during the search and seizure of Daniel Leal at 401 Sunset
 6 Drive Ste. F, Antioch, Ca. beginning on a date unknown or on or about or between 10/14/09,
 7 officers present during the search and seizure of Art Carasis, DOB 12-17-54, and his home at
 8 1400 Noia Ave.,_Antioch,_Ca., 94509 beginning on a date unknown or on or about or between
 9 1/1/05 through 12/31/13, officers present during the search and seizure of
 10 Abraham_Jesus_Hurtado, DOB 7-14-86 and/or Kathy Montoya DOB,_10-17-88,_ at 2212
 11 Banyon Way, Antioch, CA. on or about or between 1/1/10 through 12/31/10, officers present
 12 during the search and seizure of Jennifer Marie Anderson, DOB,_4-5-89,_or of the search and
 13 seizure of items and her home at 3550_Vancouver_Way, Concord,_Ca.,_94520, beginning on a
 14 date unknown or on or about or between 1/1/09 through 12/31/09, officers present during the
 15 search and seizure of Michelle Iniguez and/or Gabriel Iniguez and their home at 57 Chelsea Wy,
 16 Pittsburg, CA beginning on a date unknown or on or about or between 1/1/08 through 12/31/08,
 17 officers present during the search and seizure of Dominic Rodriguez, DOB, 6-30-76,_at both
 18 4612 Oak Meadow Ct., Antioch, CA., and 5154 Fern Ridge Circle 3550, Discovery Bay CA,
 19 beginning on a date unknown or on or about or between 1/1/09 through 12/31/10, officers present
 20 during the search and seizure of Jerry Fairley, or search and seizure of any of his homes in
 21 Brentwood, Ca., or any home rented and or inhabited by Jerry Fairley in any city, beginning on a
 22 date unknown or on or about or between 1/1/09 through 12/31/10, officers present during the
 23 search and seizure of Angela Butler, officers present during the search and seizure of Rhonda
 24 Lynn Dunning and her home, officers present during the search and seizure of
 25 Shiloh_J._O'Neill,_DOB,_11-19-75,_ the search and seizure of items from his home at 914_Santa
 26 Lucia Dr., in Pleasant Hill, CA 94523, beginning on a date unknown or on or about and between
 27 1/1/09 through 12/31/11, the search and seizure of Michael McGuire and his home located at
 28 1425 Parkside Drive, Walnut Creek CA beginning on a date on or about or between 1/1/07

1 through 12/31/08, and the search and seizure of Angelo G. Vassos, DOB, 4-2-60, beginning on a
2 date unknown or on or about or between 1/1/05 through 12/31/13

- 3 a. any and all documents that concern or are relevant to the incident
described in the Complaint, including those documents that concern the
4 entry and search of Plaintiffs' residence, or business, or any witnesses or
suspects described in paragraph 47 above;
- 5 b. any and all documents pertaining to any investigation into allegations that
defendants Wisecarver Jr. and Steven Aiello tampered with security
6 cameras or security camera systems during the freezing and seizure of the
"Grow it Yourself"
- 7 c. police internal affairs investigations relating to each incident described in
paragraph 47 above;
- 8 d. statements or interviews of witnesses, informants, Plaintiff, and any police
officers who had any role or contact with any incident described in the
9 complaint or any incident described in paragraph 47 above;
- 10 e. incident reports not produced in response to requests made above;
- 11 f. dispatch tapes and CAD logs and transcripts of radio messages made
concerning the complaint and all reports of such radio messages described
12 in paragraph 47 above.
- 13 g. the disciplinary record, and any other documents in the possession of a
defendant that concerns the hiring, training, duties, performance,
14 assignments, and mental and physical condition of said defendant.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

16 Defendant objects to this request insofar as the request is not calculated to lead to the
17 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
18 extremely compound, is completely and unduly burdensome and oppressive as to its breadth and
19 scope, is overbroad as to time and scope, seeks documents which are privileged and confidential,
20 implicates Antioch Police Department officers' fundamental rights to privacy under the U.S. and
21 California constitutions, and per California statutes, in addition this request implicates Kelly v.
22 City of San Jose, 114 F.R.D. 653 (N.D. Ca 1987) and California Evidence Code §§ 1040, 1043,
23 1045, 1046, Government Code §§ 3300 et seq., Penal Code §§ 832.7, 832.8, and per Pitchess v.
24 Superior Court (1974) 11 Cal.3d 531, and its progeny. Without waiving the foregoing objections,
25 Defendant responds as follows: Defendant may agree to produce relevant, non-privileged
26 documents, in its possession, responsive to this request regarding the named Defendants and/or
27 parties or officers that are germane to the issues in this case, redacting and/or withholding
28 irrelevant personal and/or private information, after the execution and filing of a Stipulated
Protective Order in this matter.

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REQUEST FOR PRODUCTION NO. 48:

For the period of January 2007 to the current date all documents and writings including police guidelines, directives, policy statements, procedures, and training materials, in any form and of any type, concerning police policy, custom or practice regarding:

- a. Discipline of officers generally,
- b. specific discipline for the violation of constitutional rights, including the Fourth Amendment
- c. the procedure for the drafting and execution of search warrants,
- d. the procedure for the "freezing" of any home, business or automobile,
- e. the policy for recording suspect interviews in the field and at the Antioch Police Department,
- f. the training for officers assigned to forfeiture programs, including ongoing training,
- f. the policy for the collection, storage and preservation of evidence seized pursuant to a search warrant, including but not limited to: property suspected to be stolen, computers, evidence retention of firearms and other weapons, and the retention, control, disposal, and/or return of motor vehicles and property suspected to be purchased from the proceeds of drug sales,
- g. the policy for evidence seizure,
- h. the policy for evidence booking, and retention
- i. the policy for evidence documentation at a crime scene
- j. the policy for evidence documentation at the Antioch Police Department by any seizing or transporting officer of the evidence.
- k. the policy for evidence documentation at the Antioch Police Department by any evidence technician or officer or agent at any APD evidence locker or law enforcement storage facility,
- l. APD's manual detailing the statutory grounds for forfeiture and all applicable policies and procedures, including procedures for prompt notice to interestholders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership,
- m. the policy for evidence seizure, documentation, and processing of any assets seized for asset forfeiture pursuant to Health and Safety Code section 11470 or any APD common law interpretation of asset forfeiture.
- n. the swearing out of criminal complaints,
- o. the procurement of arrest warrants, and/or Ramey warrants,
- p. the procurement of additional arrest warrants, and/or Ramey warrants after notification that charges previously sought have been dismissed by any prosecuting agency.

RESPONSE TO REQUEST FOR PRODUCTION NO. 48:

Defendant objects to this request insofar as the request includes issues that not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive as to the scope of the requests and various subjects included, is overbroad as to time and scope, seeks documents which

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1 may not be discoverable as discovery pertaining to any Monell type claim against the City of
2 Antioch has been ordered deferred by the Court. Without waiving the foregoing objections,
3 Defendant responds as follows: Defendant is searching for records regarding the topics included
4 and will produce relevant, non-privileged documents, located in its possession, that may be
5 responsive to this request, should any such documents be located.

6 **REQUEST FOR PRODUCTION NO. 49:**

7 Each Government Tort claim filed with defendant CITY OF ANTIOCH in which either
8 JOSHUA VINCELET, JAMES WISECARVER JR., STEVEN AIELLO, STEVEN
9 BERGERHOUSE, RONALD KRENZ, DANIELLE JOANNIDES, STEPHANIE A. CHALK,
10 CAPTAIN LEONARD ORMAN, MICHAEL MORTIMER, DESMOND BITTNER,
11 MATTHEW KOCH or any other officer from the Antioch Police Department who was present at
12 any location where James E. Cooper's property was seized, APD officers present at the home of
13 Justin Reis, at 409 Elberta Ct., Brentwood, Ca., 94513, APD officers present at the home of
14 Charles "Chucky" Michael Ortega and Angelita Baldazo-Ortega, at 2201 Sycamore Dr. #16,
15 Antioch, Ca., 94509, APD officers present at any search and seizure of any property of Paul R.
16 Quintana, officers present at Sergio Ortega Jr, and Renee Beth Earle's home at 286 Pebble Beach
17 Dr., Brentwood, CA, and APD officers present during the search and seizure of any property from
18 Lewis "Randy" Decker, APD officers present during the search and seizure of any property from
19 Michael B. Stout (aka - "Tahoe Mike"), at 3828 Killdeer Dr., Antioch, Ca., APD officers present
20 during the seizure of any property from Anthony Denner, DOB 5/6/79, APD officers present
21 during the search of the home of plaintiff Steven Daniel Lee, and Jack Foster at 4162 Tulare Ct.,
22 Antioch, officers present during the search and seizure of Timothy Scott Murray, DOB 11/7/73, at
23 801 Gatter Ct., Antioch, CA, officers present during the search and seizure of
24 Ralph_Junior_Howard, DOB, 12-5-41, Mark_ A. Fernandez, DOB, 5-19-57, Stephanie_
25 Lynn_ Rangel DOB, 4-12-69, and Deborah_L. Tierney, DOB 4-22-53 at 2924 Pear St.,
26 Antioch, Ca., 94509, officers present during the search and seizure of Daniel Leal at 401 Sunset
27 Drive Ste. F, Antioch, Ca., officers present during the search and seizure of Art Carasis, DOB
28 12-17-54, at his home at 1400 Noia Ave., Antioch, Ca., 94509, officers present during the search

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1 and seizure of the home of Abraham Jesus Hurtado, DOB, 7-14-86, and/or
2 95219, Kathy Montoya, DOB, 10-17-88, at 2212 Banyon Way, Antioch, CA., officers
3 present during the search and seizure of Jennifer Marie Anderson, and her home at
4 3550 Vancouver Way, Concord, Ca., 94520, officers present during the search and seizure of
5 Michelle Iniguez and/or Gabriel Iniguez and their home at 57 Chelsea Wy, Pittsburg, CA, officers
6 present during the search and seizure of Dominic Rodriguez, DOB, 6-30-76, at both 4612 Oak
7 Meadow Ct., Antioch, CA., and 5154 Fern Ridge Circle 3550, Discovery Bay, CA, officers
8 present during the search and seizure of Jerry Fairley, or search and seizure of any of his homes in
9 Brentwood, Ca., or any home rented and or inhabited by Jerry Fairley in any city, officers present
10 during the search and seizure of Angela Butler, officers present during the search and seizure of
11 Rhonda Lynn Dunning and her home, and officers present during the search and seizure of
12 Shiloh J. O'Neill, DOB, 11-19-75, or the search and seizure of items from his home at
13 914 Santa Lucia Dr., in Pleasant Hill, CA 94523, officers present during the search and seizure of
14 Michael McGuire and his home located at 1425 Parkside Drive, Walnut Creek CA, officers
15 present during the search and seizure of Angelo G. Vassos, DOB, 4-2-60, or any other claim filed
16 where a warrant was executed or a probation search was conducted wherein a citizen, suspect or
17 witness alleged that a violation of the Fourth Amendment occurred, or that property was taken
18 pursuant to a drug seizure or prostitution arrest. You may limit your responses to this request to
19 claims for violation of any Fourth Amendment right to be free from unreasonable search or
20 seizure, fabricated probable cause, dishonesty, perjury and false arrest and detention, fabrication
21 of police reports, or interference with a lawful business activity, or theft or damage to property.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

23 Defendant objects to this request insofar as the request is not calculated to lead to the
24 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
25 entirely compound, is unduly burdensome and oppressive regarding the scope of this request, is
26 overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants,
27 seeks documents which may be privileged and/or confidential and/or may implicate the
28 fundamental rights to privacy of persons under the U.S. and California constitutions, seeks

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1 records of an individual(s) that is not a party in this action, and, in addition, discovery pertaining
2 to any Monell type claim against the City of Antioch has been ordered deferred by the Court.

3 **REQUEST FOR PRODUCTION NO. 50:**

4 Any and all memoranda or correspondence, including E-mail, about the incident and
5 between superior officers and defendants, JOSHUA VINCELET, JAMES WISECARVER
6 JR., STEVEN AIELLO, STEVEN BERGERHOUSE, RONALD KRENZ, DANIELLE
7 JOANNIDES, STEPHANIE A. CHALK, and CAPTAIN LEONARD ORMAN, and MICHAEL
8 MORTIMER, DESMOND BITTNER, MATTHEW KOCH, or any other officer from the
9 Antioch Police Department who was present at any location described in paragraph 47 above
10 where a warrant was executed or a probation search was conducted, as well as any officer
11 responsible for the examination, retention, control, disposal, return or damage to any of Plaintiffs'
12 property.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 50:**

14 Defendant objects to this request insofar as the request is not calculated to lead to the
15 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
16 entirely compound, is unduly burdensome and oppressive regarding the scope of this request, is
17 overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants,
18 seeks documents which may be privileged and/or confidential and/or may implicate the
19 fundamental rights to privacy of persons under the U.S. and California constitutions, seeks
20 records of an individual(s) that is not a party in this action, and, in addition, discovery pertaining
21 to any Monell type claim against the City of Antioch has been ordered deferred by the Court.

22 **REQUEST FOR PRODUCTION NO. 51:**

23 Training records of all training received for Defendants JAMES WISECARVER
24 JR., STEVEN AIELLO, STEVEN BERGERHOUSE, RONALD KRENZ, DANIELLE
25 JOANNIDES, STEPHANIE A. CHALK, and CAPTAIN LEONARD ORMAN, JOSHUA
26 VINCELET and MICHAEL MORTIMER, DESMOND BITTNER, MATTHEW KOCH or any
27 other officer from the Antioch Police Department who was present at any location described in
28 paragraph 47 above.

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RESPONSE TO REQUEST FOR PRODUCTION NO. 51:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is extremely compound, is completely and unduly burdensome and oppressive as to its breadth and scope, is overbroad as to time and scope, seeks documents which are privileged and confidential, implicates Antioch Police Department officers' fundamental rights to privacy under the U.S. and California constitutions, and per California statutes, in addition this request implicates Kelly v. City of San Jose, 114 F.R.D. 653 (N.D. Ca 1987) and California Evidence Code §§ 1040, 1043, 1045, 1046, Government Code §§ 3300 et seq., Penal Code §§ 832.7, 832.8, and per Pitchess v. Superior Court (1974) 11 Cal.3d 531, and its progeny. Without waiving the foregoing objections, Defendant responds as follows: Defendant may agree to produce relevant, non-privileged documents, in its possession, responsive to this request regarding the named Defendants and/or parties or officers that are germane to the issues in this case, redacting and/or withholding irrelevant personal and/or private information, after the execution and filing of a Stipulated Protective Order in this matter.

REQUEST FOR PRODUCTION NO. 52:

Psychiatric-psychological records of defendants, JAMES WISECARVER JR., STEVEN AIELLO, STEVEN BERGERHOUSE, RONALD KRENZ, DANIELLE JOANNIDES, STEPHANIE A. CHALK, and CAPTAIN LEONARD ORMAN, MICHAEL MORTIMER, JOSHUA VINCELET, DESMOND BITTNER, MATTHEW KOCH or any other officer from the Antioch Police Department who was present at any location described in paragraph 47 above.

RESPONSE TO REQUEST FOR PRODUCTION NO. 52:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is extremely compound, is completely and unduly burdensome and oppressive as to its breadth and scope, is overbroad as to time and scope, seeks documents which are privileged and confidential, implicates Antioch Police Department officers' fundamental rights to privacy under the U.S. and

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California constitutions, and per California statutes, in addition this request implicates Kelly v. City of San Jose, 114 F.R.D. 653 (N.D. Ca 1987) and California Evidence Code §§ 1040, 1043, 1045, 1046, Government Code §§ 3300 et seq., Penal Code §§ 832.7, 832.8, and per Pitchess v. Superior Court (1974) 11 Cal.3d 531, and its progeny, as well as their right to privacy for medical and/or psychological records, visits and/or treatment.

REQUEST FOR PRODUCTION NO. 53:

Performance evaluations of defendants JAMES WISECARVER JR., STEVEN AIELLO, STEVEN BERGERHOUSE, RONALD KRENZ, DANIELLE JOANNIDES, STEPHANIE A. CHALK, and CAPTAIN LEONARD ORMAN, JOSHUA VINCELET, and MICHAEL MORTIMER, DESMOND BITTNER, MATTHEW KOCH or any other officer from the Antioch Police Department who was present at any location described in paragraph 47 above.

RESPONSE TO REQUEST FOR PRODUCTION NO. 53:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is extremely compound, is completely and unduly burdensome and oppressive as to its breadth and scope, is overbroad as to time and scope, seeks documents which are privileged and confidential, implicates Antioch Police Department officers' fundamental rights to privacy under the U.S. and California constitutions, and per California statutes, in addition this request implicates Kelly v. City of San Jose, 114 F.R.D. 653 (N.D. Ca 1987) and California Evidence Code §§ 1040, 1043, 1045, 1046, Government Code §§ 3300 et seq., Penal Code §§ 832.7, 832.8, and per Pitchess v. Superior Court (1974) 11 Cal.3d 531, and its progeny. Without waiving the foregoing objections, Defendant responds as follows: Defendant may agree to produce relevant, non-privileged documents, in its possession, responsive to this request regarding the named Defendants and/or parties or officers that are germane to the issues in this case, redacting and/or withholding irrelevant personal and/or private information, after the execution and filing of a Stipulated Protective Order in this matter.

REQUEST FOR PRODUCTION NO. 54:

Any and all claims for sick leave and or medical or worker's compensation claims made

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1 by Steven Aiello beginning on a date no later than and/or on or about and between 1/1/13 through
2 12/31/13.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

4 Defendant objects to this request insofar as the request is not calculated to lead to the
5 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
6 extremely compound, is completely and unduly burdensome and oppressive as to its breadth and
7 scope, is overbroad as to time and scope, seeks documents which are privileged and confidential,
8 implicates Antioch Police Department Det. Aiello's fundamental rights to privacy under the U.S.
9 and California constitutions, and per California statutes, in addition this request implicates Kelly
10 v. City of San Jose, 114 F.R.D. 653 (N.D. Ca 1987) and California Evidence Code §§ 1040, 1043,
11 1045, 1046, Government Code §§ 3300 et seq., Penal Code §§ 832.7, 832.8, and per Pitchess v.
12 Superior Court (1974) 11 Cal.3d 531, and its progeny, as well as his fundamental right to privacy
13 per any for sick leave and/or medical and/or worker's compensation claims or matters.

14 **REQUEST FOR PRODUCTION NO. 55:**

15 Any and all personnel changes in rank, employment, shift, or duty, or assignments for
16 Officers Vincelet, Wisecarver, Aiello, and Mortimer, or any other named defendant from 1/1/10
17 to 12/31/13.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 55:**

19 Defendant objects to this request insofar as the request is not calculated to lead to the
20 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
21 extremely compound, is completely and unduly burdensome and oppressive as to its breadth and
22 scope, is overbroad as to time and scope, seeks documents which are privileged and confidential,
23 implicates Antioch Police Department officers' fundamental rights to privacy under the U.S. and
24 California constitutions, and per California statutes, in addition this request implicates Kelly v.
25 City of San Jose, 114 F.R.D. 653 (N.D. Ca 1987) and California Evidence Code §§ 1040, 1043,
26 1045, 1046, Government Code §§ 3300 et seq., Penal Code §§ 832.7, 832.8, and per Pitchess v.
27 Superior Court (1974) 11 Cal.3d 531, and its progeny. Without waiving the foregoing objections,

28 Defendant responds as follows: Defendant may agree to produce relevant, non-privileged
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documents, in its possession, responsive to this request regarding the named Defendants and/or parties or officers that are germane to the issues in this case, redacting and/or withholding irrelevant personal and/or private information, after the execution and filing of a Stipulated Protective Order in this matter.

REQUEST FOR PRODUCTION NO. 56:

Any and all documents including statistics, dollar amounts, accounting controls and annual financial audits of all deposits and expenditures, or accounting information pertaining to asset forfeiture money received pursuant to Health and Safety Code section et seq. 11469.

RESPONSE TO REQUEST FOR PRODUCTION NO. 56:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is extremely compound, is completely and unduly burdensome and oppressive as to its breadth and scope, is overbroad as to time and scope, seeks documents which may be privileged and confidential, implicates the seized parties' fundamental rights to privacy under the U.S. and California constitutions, and per California statutes. Without waiving the foregoing objections, Defendant responds as follows: Defendant is investigating whether any such documents exist, the form of such documents and whether such documents can be produced.

REQUEST FOR PRODUCTION NO. 57:

Any and all APD internal affairs investigation reports into any citizen complaints against Defendant STEVEN AIELLO for alleged perjury pertaining to his testimony against Plaintiff Steven Lee.

RESPONSE TO REQUEST FOR PRODUCTION NO. 57:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is extremely compound, is completely and unduly burdensome and oppressive as to its breadth and scope, is overbroad as to time and scope, seeks documents which are privileged and confidential, implicates Antioch Police Department Det. Aiello's fundamental rights to privacy under the U.S. and California constitutions, and per California statutes, in addition this request implicates Kelly

1 v. City of San Jose, 114 F.R.D. 653 (N.D. Ca 1987) and California Evidence Code §§ 1040, 1043,
 2 1045, 1046, Government Code §§ 3300 et seq., Penal Code §§ 832.7, 832.8, and per Pitchess v.
 3 Superior Court (1974) 11 Cal.3d 531, and its progeny. Without waiving the foregoing objections,
 4 Defendant responds as follows: Defendant is not in possession of any documents responsive to
 5 this request.

6 **REQUEST FOR PRODUCTION NO. 58:**

7 Any and all APD internal affairs investigation reports including disciplinary action
 8 memoranda or FBI reports in the possession of the APD pertaining to APD policies and
 9 procedure violations of data base inquiries, and/or illegal APD data base inquiries by Jimmy
 10 Wisecarver Jr. including investigations after any FBI interviews regarding Jimmy Wisecarver Jr.
 11 and allegations that he accessed DMV data bases and sold DMV information to Christopher
 12 Butler.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 58:**

14 Defendant objects to this request insofar as the request is not calculated to lead to the
 15 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
 16 extremely compound, is completely and unduly burdensome and oppressive as to its breadth and
 17 scope, is overbroad as to time and scope, seeks documents which are privileged and confidential,
 18 implicates Antioch Police Department Det. Wisecarver's fundamental rights to privacy under the
 19 U.S. and California constitutions, and per California statutes, in addition this request implicates
 20 Kelly v. City of San Jose, 114 F.R.D. 653 (N.D. Ca 1987) and California Evidence Code §§ 1040,
 21 1043, 1045, 1046, Government Code §§ 3300 et seq., Penal Code §§ 832.7, 832.8, and per
 22 Pitchess v. Superior Court (1974) 11 Cal.3d 531, and its progeny. Without waiving the foregoing
 23 objections, Defendant responds as follows: Defendant may agree to produce relevant, non-
 24 privileged documents, in its possession, responsive to this request regarding Det. Wisecarver, if
 25 any, redacting and/or withholding irrelevant personal and/or private information, after the
 26 execution and filing of a Stipulated Protective Order in this matter.

27 **REQUEST FOR PRODUCTION NO. 59:**

28 Any and all APD internal affairs investigation reports into any allegations or complaints

1 against Defendant STEVEN AIELLO for alleged perjury pertaining to his testimony against
2 Plaintiff Steven Lee.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 59:**

4 Defendant objects to this request insofar as the request is not calculated to lead to the
5 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
6 extremely compound, is completely and unduly burdensome and oppressive as to its breadth and
7 scope, is overbroad as to time and scope, seeks documents which are privileged and confidential,
8 implicates Antioch Police Department Det. Aiello's fundamental rights to privacy under the U.S.
9 and California constitutions, and per California statutes, in addition this request implicates Kelly
10 v. City of San Jose, 114 F.R.D. 653 (N.D. Ca 1987) and California Evidence Code §§ 1040, 1043,
11 1045, 1046, Government Code §§ 3300 et seq., Penal Code §§ 832.7, 832.8, and per Pitchess v.
12 Superior Court (1974) 11 Cal.3d 531, and its progeny. Without waiving the foregoing objections,
13 Defendant responds as follows: Defendant is not in possession of any documents responsive to
14 this request.

15 **REQUEST FOR PRODUCTION NO. 60:**

16 Any and all APD internal affairs investigation reports or notes relating to Officers
17 Vincelet, Wisecarver, Aiello, and Mortimer, Orman, Bittner and Koch pursuant to any
18 investigation by the FBI pertaining to misconduct against Officers Vincelet, Wisecarver, Aiello,
19 and Mortimer Orman,, Bittner and Koch.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 60:**

21 Defendant objects to this request insofar as the request is not calculated to lead to the
22 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
23 extremely compound, is completely and unduly burdensome and oppressive as to its breadth and
24 scope, is overbroad as to time and scope, seeks documents which are privileged and confidential,
25 implicates Antioch Police Department officers' fundamental rights to privacy under the U.S. and
26 California constitutions, and per California statutes, in addition this request implicates Kelly v.
27 City of San Jose, 114 F.R.D. 653 (N.D. Ca 1987) and California Evidence Code §§ 1040, 1043,
28 1045, 1046, Government Code §§ 3300 et seq., Penal Code §§ 832.7, 832.8, and per Pitchess v.

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1 Superior Court (1974) 11 Cal.3d 531, and its progeny. Without waiving the foregoing objections,
2 Defendant responds as follows: Defendant may agree to produce relevant, non-privileged
3 documents, in its possession, responsive to this request regarding the named Defendants and/or
4 parties or officers that are germane to the issues in this case, redacting and/or withholding
5 irrelevant personal and/or private information, after the execution and filing of a Stipulated
6 Protective Order in this matter.

7 **REQUEST FOR PRODUCTION NO. 61:**

8 Any and all discipline imposed on Officers Vincelet, Wisecarver, Aiello, and Mortimer,
9 Orman, Bittner and Koch pursuant to any and all FBI investigations or interviews, including any
10 and all FBI 302's.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 61:**

12 Defendant objects to this request insofar as the request is not calculated to lead to the
13 discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is
14 extremely compound, is completely and unduly burdensome and oppressive as to its breadth and
15 scope, is overbroad as to time and scope, seeks documents which are privileged and confidential,
16 implicates Antioch Police Department officers' fundamental rights to privacy under the U.S. and
17 California constitutions, and per California statutes, in addition this request implicates Kelly v.
18 City of San Jose, 114 F.R.D. 653 (N.D. Ca 1987) and California Evidence Code §§ 1040, 1043,
19 1045, 1046, Government Code §§ 3300 et seq., Penal Code §§ 832.7, 832.8, and per Pitchess v.
20 Superior Court (1974) 11 Cal.3d 531, and its progeny. Without waiving the foregoing objections,
21 Defendant responds as follows: Defendant is not aware of any documents in its possession
22 responsive to this request.

23 **REQUEST FOR PRODUCTION NO. 62:**

24 Any and all documents, including witness interviews, notes, photographs, audio and video
25 recordings, FBI form 302 reports, forensic reports, fingerprint and palm print exemplars,
26 investigation or arrest reports, recordings, e-mails, affidavits for search warrants, search warrants,
27 applications for destruction orders, destruction orders, returns to search warrants, lists of property
28 and/or currency seized, asset forfeiture documents, CAD logs, video, and internal and external

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evidence chain of custody documents of property seized, documents pertaining to charging decisions drafted by Antioch Police Department, or any law enforcement agency in the possession of APD, including Internal Affairs Bureau investigation reports, investigation reports or charging decision documents by the Contra Costa County District Attorney's Office, Bureau of Narcotics Enforcement reports, or reports by any special agent of the Federal Bureau of Investigation, and Federal Drug Enforcement Administration, constituting, referring and related to any complaint by Mr. Ralph Hernandez including but not limited to Abraham Jesus Hurtado, DOB, 7-14-8, whose property was allegedly stolen, including documents constituting, referring and related to any investigation, responsive to any complaint pertaining to theft from Mr. Hurtado, and constituting, referring, and relating to, Norman Wielsch, Louis Lombardi, Christopher Butler, Michael McGary, Joshua Vincelet, Steven Bergerhouse, Ronald Krenz, Danielle Joannides, Stephanie Chalk, Leonard Orman, Michael Mortimer, Steven Aiello, James Wisecarver Jr., Desmond Bittner and Matthew Koch, and any documents constituting, referring and relating to any search and seizure of Mr. Hurtado's home or property by Norman Wielsch, Louis Lombardi, Michael McGary, Joshua Vincelet, Steven Bergerhouse, Ronald Krenz, Danielle Joannides, Stephanie Chalk, Leonard Orman, Michael Mortimer, Steven Aiello, James Wisecarver Jr., Desmond Bittner and Matthew Koch and/or members of the Antioch Police Department, FBI, IRS, BNE, and CCCNET.

RESPONSE TO REQUEST FOR PRODUCTION NO. 62:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is entirely compound, is unduly burdensome and oppressive, is overbroad as to time and scope, seeks records not in the possession of these Antioch Defendants, seeks documents which may be privileged and/or confidential and/or may implicate the fundamental rights to privacy of persons under the U.S. and California constitutions, seeks records of an individual that is not a party in this action, and, in addition, discovery pertaining to any *Monell* type claim against the City of Antioch has been ordered deferred by the Court.

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REQUEST FOR PRODUCTION NO. 63:

Any and all documents named in Defendant City of Antioch's Rule 26 initial disclosures.

RESPONSE TO REQUEST FOR PRODUCTION NO. 63:

Defendant is producing documents listed in their Initial Disclosures.

REQUEST FOR PRODUCTION NO. 64:

Any and all documents from the state Automated Archives System for fingerprint impressions obtained for each officer or agent for employment purposes and from the Automated Fingerprint Identification System for criminal convictions for all Defendants JAMES WISECARVER JR., STEVEN AIELLO, STEVEN BERGERHOUSE, RONALD KRENZ, DANIELLE JOANNIDES, STEPHANIE A. CHALK, and CAPTAIN LEONARD ORMAN, JOSHUA VINCELET and MICHAEL MORTIMER, DESMOND BITTNER, MATTHEW KOCH or any other officer from the Antioch Police Department who was present at any location described in paragraph 47 above.

RESPONSE TO REQUEST FOR PRODUCTION NO. 64:

Defendant objects to this request insofar as the request is not calculated to lead to the discovery of relevant and/or admissible evidence, is overly broad, vague and ambiguous, is compound, is unduly burdensome and oppressive as to its breadth and scope, is overbroad as to time and scope, seeks documents which are privileged and confidential, implicates Antioch Police Department officers' fundamental rights to privacy under the U.S. and California constitutions, and per California statutes, in addition this request implicates Kelly v. City of San Jose, 114 F.R.D. 653 (N.D. Ca 1987) and California Evidence Code §§ 1040, 1043, 1045, 1046, Government Code §§ 3300 et seq., Penal Code §§ 832.7, 832.8, and per Pitchess v. Superior Court (1974) 11 Cal.3d 531, and its progeny.

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1 Dated: June 30, 2014

2 McNAMARA, NEY, BEATTY, SLATTERY,
3 BORGES & AMBACHER LLP

4 By: 

James V. Fitzgerald, III

Noah G. Blechman

Attorneys for Defendants

CITY OF ANTIOCH, ANTIOCH POLICE

DEPARTMENT, JAMES HYDE CHIEF OF

ANTIOCH POLICE DEPARTMENT, JOSHUA

VINCELET, JAMES WISECARVER, JR., STEVEN

AIELLO, STEVEN BERGERHOUSE, RONALD

KRENZ, DANIELLE JOANNIDES, STEPHANIE A.

CHALK, AND CAPTAIN LEONARD ORMAN

1 PROOF OF SERVICE BY MAIL (C.C.P. §§ 1013a, 2015.5)

2 I hereby declare that I am a citizen of the United States, am over the age of eighteen years,
3 and not a party to the within action; my business address is 1211 Newell Avenue, Walnut Creek,
4 California 94596.

5 On this date I served the foregoing DEFENDANT CITY OF ANTIOCH'S
6 RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF
7 DOCUMENTS on the parties in said action, by placing a true copy thereof enclosed in a sealed
8 envelope addressed as listed below for mailing. I am readily familiar with this firm's practice of
9 collection and processing correspondence for mailing. Under that practice, it would be deposited
10 with the United States Postal Service on that same day with postage thereon fully prepaid, in the
11 United States Post Office mail box at Walnut Creek, California, addressed as follows:

12 Attorneys For Plaintiff's:

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16 Vallejo, CA 94590

17 Phone: 707-644-4004
18 Fax: 707-644-7528

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24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct and that this declaration was executed on July 1, 2014 at Walnut
26 Creek, California.

27 
28 SABRINA AHIA